

1904-052 Chancery Causes: Exr. of Mastin Collier vs. H. F. Landingham & Lee Co.

Pennington, Parsons, Pridemore, Sewell, Joslyn

CA-Debt

T-Property

To the Hon.H.A.W.Skeen,Judge of the Circuit court for Lee County:-

Humbly complaining,your orator,Robert L.Pennington,Executor of the last will of Mastin Collier,deceased,would respectfully represent and show unto your honor as follows:

That on the 15th day of January,1900,in the county court for Lee county he obtained a judgement against H.F. Lanningham for the Sum of \$25.00 with interest thereon from the 8th day of August,1898,as well as \$5.74 ~~interet~~ for costs in that behalf expended, as will appear from a copy of the judgement lien book,here filed as part hereof marked "A" and prayed to be taken as part of this bill.

That at the time said judgement was rendered and since hath been and still is the owner of a certain interest in real estate,a farm situated about 3 miles ^{east} ~~west~~ of Jonesville, which interest he acquired as follows,to wit, About five years ago the said Lanningham together with Silas Parson and Albert Parsons made a contract with and purchased from A.L.Pridemore a certain tract of land situated as aforesaid,and as evidence of which said sale the said Lanningham,Albert and Silas Parsons,as your orator is advised,took from the said A.L. Pridemore a title bond and executed to said pridemore their joint bonds for the remainder of the purchase price,after paying to said Pridemore a cash payment of \$185.00,as your orator is advised,the total contract price being,as your orator is advised,the sum of \$500.00;but your orator alleges that if said purchasers took a title bond they have never had the same placed upon record,and must therefore have said bond,if one exists,in their possession.

That since the purchase of said land as aforesaid and the execution of said notes and the said title bond,as your orator is informed,the said Laningham has paid considerable and varous payments on said lands,but that said Albert and Silas Parsons,as your orator is informed,have paid nothing,

and all that has been paid on said land has been paid by said Lanningham, but your orator is advised that notwithstanding the said several payments on said land the said parties are still owing a considerable sum, but your orator is unable to state what it is.

That since the execution of said notes, the said title bond and the contract for the sale of said land, the said A.L. Pridemore has departed this life, leaving as his heirs at law H.H. Pridemore and Mary Sewell, and whose estate was committed to H.C. Joslyn, H.H. Pridemore and D.C. Sewell for administration, who have duly qualified and taken possession of all the personal estate of the said decedent, and as such the possession of said notes vs against said Lanningham et al. on which there is a balance as aforesaid, all of which, as your orator is informed, is now due and owing.

The premises considered your orator is advised that he is entitled to a lien on said interest in said land by reason of his said judgement as aforesaid, but only secondary to the debt due or balance thereof owing to said estate of A.L. Pridemore, deceased, that he has a right to have said lien enforced in a court of equity, that he has a right to extract title from said heirs of said Pridemore, reserving to them all their just rights, that he has a right to call upon said administrators for the amount which is owing to them as aforesaid on said debt as aforesaid, and to have said land sold for the payment of said lien of said estate and his lien and the lien of all other parties if any, after they have been duly ascertained by a commissioner appointed by your honor's order for that purpose, and the priorities of all said liens fixed and ascertained.

To this end therefore he prays that said H.F. Lanningham, Silas Parson, Albert Parsons, H.H. Pridemore and Mary Sewell, and said Administrators of said Pridemore's estate be made parties defendant to this bill of complaint, and that they each answer the same but not on oath, that being specially waived. That the

said Lanningham, Albert and Silas Parsons specially answer what they have paid from the time of the entering into said purchase of said land untill the present time, and the amount paid by each, and that they file with their said answer any title papers, contract or bond that they may hold from the said A.L. Pridemore. That the said H.H. Pridemore and Mary Sewell answer and tender their escrow deed, reserving their rights in the premises. That the said Administrators as aforesaid answer giving the amount of said sale & the credits thereon. That upon a hearing and answer of said parties there be appointed a commissioner to ascertain the amount of the liens and their several priorities existing against said property, upon the coming in of which your orator then further prays that a sale of said property be directed for the purpose of satisfying such liens as may be ascertained to be due and owing in the order in which they stand. And may all other and further and general relief be granted your orator that the nature of his cause and equity may demand and he will ever pray &c.

Lawrence Mox. P.Q.

Robert Pennington Esq

vs. $\frac{2}{3}$ Bice In Chanc-

H. Pennington & Co.

R.L.Pennington, Executor, Complainant.

vs.

H.T.Landingham, Albert Parsons,
Silas Parsons, H.H.Pridemore,
Mary Sewell and H.C.Joselyn,
D.C.Sewell and H.H.Pridemore, Admrs.
of the estate of A.I.Pridemore.

Decree.

This cause came on this day to be heard upon the bill of the complainant and exhibits filed therewith, and it appearing to the court that the said defendants have been duly served with process and that each has failed to appear, plead or answer, the said bill of said complainant is hereby taken for confessed, as against each of the said defendants, and it further appearing to the court that there are various liens against the lands set out in the plaintiff's bill, and that a commissioner is necessary to ascertain and report the amounts and dates thereof, A.M.Coins, who is hereby appointed a special commissioner, will, after having given the parties in interest ten day's notice of his time and place of sitting, proceed to ascertain and report to this court all the liens existing against said land in the plaintiff's bill set out, ~~the administrator of said lands~~ and their priorities, and report his action to this court at the next term. And this cause is continued.

Robt. D. Campbell

or Secy for
Act.

H. F. Longworth

Enc. Q. B. No. 7, p. 412

Enter this Decree
of July 18, 1904
H. F. Longworth

Judgment

Lien Docket.

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Date of Judgment	By What Court Rendered	Time of Docketing	Names and Description of Parties.	Debt, Damages, Interest and Costs.	Amount and Date of Credits.
Jan'y 3. 15 th 1900.	County Court Lee County	Jan'y 19 th 1900	R. L. Pennington, Exr &c Plff. vs. } Debt. H. F. Cunningham. Deft.	Judgment for \$25.00 with legal interest thereon from the 8 th day of August, 1898, until payment, and \$8.74 costs as follows: C. 1.74; F. 1.00; S. 50¢; and Atty \$2.50.	

An abstract copy, Teste: B. M. Morgan, Clerk.

26.25-
5.74
31.99

Dr. Pennington Esq

to $\frac{1}{2}$ Exhibit "A"

H. F. Pennington Esq -

Or by Albert Pennington
by Order to A. W. Cook

Oct. 15, 1900. 15⁰⁰

" 27, " Chr. 6⁰⁰

Fee of John & Keup

Kill Chain Crs. 2⁰⁰

Nov. 10, 190 Cr.

by Cook --- 5⁰⁰
28⁰⁰

Clerk for copy 25c

56-
56
112

25
13
275
320

25- Int from Aug 8- 1898-

5.74 Cts of Judgt at Low-

3.20 Int to Oct 16-1900-

33.94

28.00- In 2 cm-

5.94

13
6
78

7.48 Cts of Mining Cts

4.00 Sheriff's Cts Melburn

Buc Sheriff

17.48

1.52 Ewing's estimates

17.42

Mr 1094

78 Int to Mch- 14, 1904- 3rs- 7ms-

1.60 Gains

2.00 Sheriff

21.80

1.12 Ewing Cts

25 Morgan Cts-

23.17

23.17 paid R.R. Mch 14, 1904

215

Add for costs

Comm -

8 copies of notice
for acct.

and Sheriff for
serving same.
H

\$ 2.00
1.60
<hr/>
\$ 3.60

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU THAT YOU SUMMON *H. F. Lamingham, Albert Parsons, ^{wife}
mother Silas Parsons, H. H. Pridemore & Mary Sewell &
H. L. Joslyn, D. L. Sewell & H. H. Pridemore, Admins
of the estate of A. L. Pridemore, deceased.*

to appear at the Clerk's office of the Circuit Court of the County of Lee at the court-house thereof, at the Rules to be hold-
den for said Court, on the *3rd* Monday in *October 1900*, ~~189~~, to answer a

bill in chancery, exhibited against *them* in our Court by
*Robt L Pennington, executor of the last will of
Martin Collier*

..... And have then there
this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *10th* day of
October 1900 ~~189~~, and in the 12 *th* year of the Commonwealth.

A. B. Munsey Clerk.

A copy—Teste: _____ Clerk.

Executed by delivering a true copy of the within summons to H. F. Landingham, H. H. Pridemore, Mary Sewell, H. H. Pridemore, D. C. Sewell and H. C. Joslyn administrators of the estate of A. L. Pridemore deceased and Albert Parsons - not being found at his usual place of abode, I executed the same by delivering a true copy of within summons to Fina Parsons his wife, he not being found at his usual place of abode, and she being found there and being a member of his family, over 16 yrs of age and explaining to her the purport of the same and Sitas Parsons not being found at his usual place of abode, I delivered a true ^{copy} to - Parsons his mother she being a member of his family over 16 yrs of age and found at his usual place of abode, he not being found there and explaining to her the purport of the same. This Oct 12 - 1900

W. J. Mickleham S. S. C.

R. L. Cunningham & Co.

SUBPOENA

VS.

{ IN CHANCERY.

H. F. Landingham et al.

Cunningham Bros. p. q.

To 2nd October Rules.

CIRCUIT COURT.

Robt. L. Huntington Esq.

vs. $\frac{3}{3}$ In Chancery

H. F. Huntington Esq.

1900. 2nd Oct rules Bill
filed sums executed Decree
Nisi

" 1st Nov rules taken the
last Monday in October
Decree Nisi confd and
Cause set for hearing

Plff's Costs
Muney. Clerk 6.18
Tax 1.50
Shff 4.00
atly 5.00
Co. C .25

\$16.73
86
\$17.29